



# California Regulatory Notice Register

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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## PROPOSED ACTION ON REGULATIONS

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### TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict-of-interest codes, will review the proposed/amended conflict-of-interest codes of the following:

#### CONFLICT-OF-INTEREST CODES

##### AMENDMENT

MULTI-COUNTY: Cooperative Personnel Services  
Feather River Air Quality  
Management District  
Sacramento-Yolo Port District

A written comment period has been established commencing on **August 26, 2011**, and closing on **October 10, 2011**. Written comments should be directed to the Fair Political Practices Commission, Attention **Cynthia Fisher**, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict-of-interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director of the Commission will review the above-referenced conflict-of-interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director of the Commission, upon his or its own motion or at the request of any interested per-

son, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than **October 10, 2011**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

#### COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

#### EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

#### AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict-of-interest codes shall approve codes as submitted, revise the proposed code(s) and approve it as revised, or return the proposed code(s) for revision and re-submission.

#### REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict-of-interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

#### CONTACT

Any inquiries concerning the proposed conflict-of-interest code(s) should be made to **Cynthia Fisher**, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

## AVAILABILITY OF PROPOSED CONFLICT-OF-INTEREST CODES

Copies of the proposed conflict-of-interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to **Cynthia Fisher**, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

## TITLE 4. CALIFORNIA POLLUTION CONTROL FINANCING AUTHORITY

### NOTICE OF PROPOSED RULEMAKING

The California Pollution Control Financing Authority (the "Authority") proposes to adopt the proposed regulations described below after considering all comments, objections, and recommendations regarding the proposal.

### PUBLIC HEARING

The Authority has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

### WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the Amended Regulations to the Authority. The written comment period on the Amended Regulations ends at **5:00 p.m. on October 10, 2011**. All the comments must be submitted in writing to the Agency Contact Person identified in the Notice by that time in order for them to be considered by the Authority. In the event that substantial changes are made during the written comment period, the Authority will also accept additional written comments limited to any changed or modified regulations for fifteen (15) calendar days after the date on which such regulations, as changed or modified are made available to the public pursuant to Title 1, Chapter 1, Section 44 of the California Code of Regulations. Such additional written comments should be addressed to the Agency contact person identified in this Notice.

### AUTHORITY AND REFERENCE

Authority: Section 44520(a), 44520(b), and 44548(a)(3) Health and Safety Code. Section 44520(a)

authorizes the Authority to adopt these proposed regulations to carry out its powers and duties. Pursuant to section 44520(b), the regulations proposed are, by legislative mandate, necessary for the immediate preservation of the public peace, health and safety, and general welfare. Section 44548(a)(3) allows the authority to adopt regulations which provide for differential fees from participating parties based upon factors determined to be relevant by the Authority.

Reference: Section 44548(a)(3), Health and Safety Code. The proposed regulations implement, interpret, and make specific section 44548(a)(3) of the Health and Safety Code.

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

This rulemaking action further specifies which participating parties are required to pay a Small Business Assistance Fund ("SBAF") fee.

The California Code of Regulations ("CCR"), Title 4, Section 8035, requires that all applicants who are not small businesses pay a SBAF fee. Sections 44520(a) and 44520(b) of the Health and Safety Code authorize the Authority to adopt regulations to carry out its powers and duties as determined by the governing statute of the Authority. Section 44548(a)(3) grants the authority the power to charge different fees to different types of participating parties.

The proposed regulations will exempt public agency applicants from paying a SBAF fee. Public agencies are defined in section 44509 as any state agency, board or commission, any county, city and county, city, regional agency, public district, or other political subdivision. The SBAF fee can range from sixty-six one hundredths of one percent (.0066) of the face value of a tax exempt bond to three tenths of one percent (.003) of the face value of a taxable bond issued.

### DISCLOSURES REGARDING THE PROPOSED ACTION

The Executive Director of the Authority has made the following determinations regarding the effect of the Amended Regulations:

**Mandate on local agencies or school districts:** None.

**Cost or savings to any state agency:** None.

**Cost to any local agency or school district that must be reimbursed in accordance with Government Code sections 17500-17630:** None.

**Other non-discretionary cost or savings imposed on local agencies:** None.

**Cost or savings in federal funding to the state:** None.

**Significant effect on housing costs:** None.

**Significant, statewide, adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states:** The Authority has made an initial determination that the Amended Regulations will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

**Assessment regarding effect on jobs/businesses:** The Amended Regulations will not have a significant effect on the creation or elimination of jobs in California, significantly affect the creation of new businesses or elimination of existing businesses within California, or significantly affect the expansion of businesses currently doing business in California.

**Cost impact on a representative private person or business:** The Authority is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**Small Business:** The Amended Regulations will not have an adverse impact on small business in California and will not affect small business since they do not impose additional restrictions or cost on small business.

## CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13) the Authority must determine that no reasonable alternative to the Amended Regulations considered by the Authority or that have otherwise been identified and brought to the attention of the Authority would be more effective in carrying out the purpose for which the Amended Regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Authority invites interested parties to present statements with respect to alternatives to the Amended Regulations during the written comment period.

## AGENCY CONTACT PERSON

Written comments, inquiries and any questions regarding the substance of the Amended Regulations shall be submitted or directed to:

Alejandro Ruiz, Staff Services Analyst  
California Pollution Control Financing Authority  
915 Capitol Mall, Room 457  
Sacramento, CA 95814  
Telephone: (916) 651-7284  
Fax: (916) 657-4821  
Email: [alejandro.ruiz@treasurer.ca.gov](mailto:alejandro.ruiz@treasurer.ca.gov)

Doreen Smith, Program Manager  
California Pollution Control Financing Authority  
915 Capitol Mall, Room 457  
Sacramento, CA 95814  
Telephone: (916) 651-6503  
Fax: (916) 657-1821  
Email: [dsmith@treasurer.ca.gov](mailto:dsmith@treasurer.ca.gov)

## AVAILABILITY OF RULEMAKING RECORD, INITIAL AND FINAL STATEMENT OF REASONS, AND TEXT OF THE PROPOSED REGULATIONS

The Authority has established a rulemaking file for this regulatory action, which contains those items required by law. The file is available for inspection at the Authority's office at 915 Capitol Mall, Room 457, Sacramento, California 95814, during normal business working hours.

As of the date this Notice is published in the Notice Register, the rulemaking file consists of this notice, the Initial Statement of Reasons and the proposed text of the Amended Regulations. Copies of these items are available upon request from the Agency Contact Person designated in this Notice or at the Authority's website located at <http://www.treasurer.ca.gov/cpcfa/>. In addition, the Final Statement of Reasons, when prepared, will be made available through the contact persons above and on our website.

## AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the written comment period ends and following a public hearing, if any is requested pursuant to Section 11346.8 of the Government Code, the Authority may adopt the Amended Regulations substantially as described in this Notice, without further notice. If the Authority makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with changes clearly indicated) available to the public for at least fifteen (15) calendar days before the Authority adopts the proposed Amended Regula-



tions, as modified. Inquiries about and requests for copies of any changed or modified regulations should be addressed to the Agency Contact Person identified in this Notice. The Authority will accept written comments on the modified regulations for fifteen (15) calendar days after the date on which they are made available.

## TITLE 16. BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS

NOTICE IS HEREBY GIVEN that the Board for Professional Engineers, Land Surveyors, and Geologists is proposing to take the action described in the Informative Digest. The Board does not intend to hold a hearing in this matter. If an interested party wishes that a hearing be held, he or she must make the request in writing to the Board no later than 5 p.m. on September 26, 2011. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in the Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on October 10, 2011, or must be received by the Board immediately following the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text.

With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as Contact Person and will be mailed to those persons who submit written testimony related to this proposal or who have requested notification of any changes to the proposal.

**Authority and Reference:** Pursuant to the authority vested by Sections 6716 and 8710 of the Business and Professions Code, and to implement, interpret, or make specific sections 6754, 6755, 6755.1, and 6756 of said Code, the Board is considering changes to Division 5 of

Title 16 of the California Code of Regulations as follows:

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

- Repeal Section 443(c)(1)

Currently, applicants who have taken an examination prepared by National Council of Examiners for Engineering and Surveying (NCEES) are eligible to inspect or appeal an examination if their score is no more than 8 points below the passing score on a NCEES examination, as stated in Section 443(c)(1). Examinations containing “multiple-choice type problems,” however, cannot be reviewed, as stated in Section 443(b).

The Board is proposing to repeal Section 443(c)(1) since the NCEES examinations used by the Board consist substantially of multiple-choice type problems and are not eligible for review or appeal. NCEES problems, which do contain design essay questions use a method of scoring that does not allow the Board to determine if the applicant is eligible to appeal their score. On the new NCEES Structural Examination, for example, the design essay portion will be scored together with the multiple choice portion as a combined score. This hybrid grading system was created with the intention of taking as much subjectivity out of the examination grading as possible. This method of scoring will make it very difficult, if not impossible, for NCEES to determine who is eligible under the conditions specified in the regulation to review and appeal their examination.

Also, since by contractual policy, NCEES does not provide applicants’ scores to the Board, the Board does not receive or have knowledge of the actual passing score for any NCEES examination. When results are released, NCEES provides the Board with a list of the applicants eligible to review and appeal their score examination, according to our laws. After the applicants are notified of their right to appeal, NCEES sends the deficient examination problems to the Board office and allows the applicants to review and appeal the questions. The Board then returns the information to NCEES for consideration. This process requires the Board to assume monetary liability while the national examinations are in the Board’s possession.

### FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None.

Nondiscretionary Costs/Savings to Local Agencies:

None.

Local Mandate:

None.

Cost to Any Local Agency or School District for Which Government Code Sections 17500–17630 Require Reimbursement:

None.

Business Impact:

The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses:

The Board has determined that this regulatory proposal will not have an impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs:

None.

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses. The Board does not license businesses; the Board licenses individuals.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposal described in this Notice.

INITIAL STATEMENT OF REASONS  
AND INFORMATION

The Board has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of

the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board at 2535 Capitol Oaks Drive, Suite 300, Sacramento, California 95833.

AVAILABILITY AND LOCATION OF THE  
FINAL STATEMENT OF REASONS AND  
RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below. You may obtain a copy of the final statement of reasons, once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rule-making action may be addressed to:

Name: Larry Kereszt  
Address: 2535 Capitol Oaks Drive,  
Suite 300  
Sacramento, CA 95833  
Telephone No.: (916) 263–2240  
Fax No.: (916) 263–2246  
E–Mail Address: Larry.Kereszt@dca.ca.gov

The backup contact person is:

Name: Nancy Eissler  
Address: 2535 Capitol Oaks Drive,  
Suite 300  
Sacramento, CA 95833  
Telephone No.: (916) 263–2240  
Fax No.: (916) 263–2246  
E–Mail Address: Nancy.Eissler@dca.ca.gov

WEBSITE ACCESS

Materials regarding this proposal can be found at <http://www.pels.ca.gov>.

**TITLE 16. VETERINARY MEDICAL  
BOARD**

**Notice of Proposed Changes**

**NOTICE IS HEREBY GIVEN** that the Veterinary Medical Board (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in

writing relevant to the action proposed at a hearing to be held at the Rondoal Room at The San Diego Zoo, 2920 Zoo Drive, San Diego, California at 10 a.m. on Wednesday, October 19, 2011.

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on Monday, October 10, 2011, or must be received by the Board at the hearing.

The Board upon its own motion or at the instance of any interested party may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by sections 4808 and 4854 of the Business and Professions Code (BPC), and to implement, interpret or make specific sections 4826, 4853, 4854, 4855, 4856 and 4883 of said Code; the Board is considering changes to Division 20, Title 16 of the California Code of Regulations (CCR) as follows:

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

BPC section 4808 authorizes the Board to adopt, amend, or repeal such rules and regulations as may be reasonably necessary to enable it to carry into effect the provisions of the Veterinarian Medicine Practice Act. BPC section 4854 authorizes the Board to adopt rules requiring all veterinary premises be kept clean and sanitary at all times.

The general purpose of the proposed language is to update the minimum standards of veterinary practice to current practice standards as well as provide additional protection to consumers in areas that were not previously covered in the minimum standards of practice. Specifically, this proposal would:

### Amend CCR section 2030

The proposed regulation outlines specific public notification requirements for when a veterinary hospital premise is closed. It also clarifies and provides detailed information on the separate surgical room layout, equipment that can be in the room, and procedural requirements.

### Adopt CCR section 2030.05

The proposed regulation establishes the minimum standards for a California licensed veterinarian who is the managing licensee of a veterinary hospital premise. It establishes that the managing licensee is wholly responsible for insuring the minimum standards are followed regardless of the number of hospital premises managed by the managing licensee and it requires the manager to maintain whatever physical presence is necessary to ensure such requirements are met.

### Amend CCR section 2030.1

Non substantive amendment to regulation language section heading.

### Amend CCR section 2030.2

The proposed regulation specifies requirements for type of surgical surfaces in a small animal mobile clinic. It also specifies that a veterinarian shall retain the carcass of a deceased animal for 14 days prior to disposal when the client has not given authorization to dispose of their deceased animal.

### Adopt CCR section 2030.3

The proposed regulation defines the minimum standards for a small animal vaccine clinic, the practice standards that such a clinic must maintain including staffing, disposal of waste, storage of drugs and biologicals, type and material of equipment, public notification of other emergency services, and record keeping requirements. It also specifies the veterinarian-client relationship and requirement for identification of the veterinarian managing the small animal vaccine clinic.

### Adopt CCR section 2032.05

The proposed regulation language was amended out of section 2032.4 and a new section created under a separate section heading.

### Amend CCR section 2032.1

The proposed regulation clarifies existing language and also defines the definition of the term “drug” for purposes of prescription by the veterinarian.

### Adopt CCR section 2032.15

The proposed regulation provides for the continuance of the veterinary-client relationship with subsequent treating veterinarians where the original veterinary-client relationship initiating the relationship and treatment plan for the animal client is still valid.

### Amend CCR section 2032.2

The proposed regulation provides that veterinarians must notify clients that they have a right to choose to receive written prescriptions at no cost.

### Adopt CCR section 2032.25

The proposed regulation provides for the continuance of the prescription, dispensation, or furnishing of drugs where the original veterinarian is temporarily un-



available. It also limits the renewal of the prescription to one renewal.

Amend CCR section 2032.3

The proposed regulation clarifies and specifies existing language update the language for new digital technologies in radiography and specifies a time frame for responding to client requests for copies of medical records.

Adopt CCR section 2032.35

The proposed regulation specifies unprofessional conduct by a veterinarian includes the altering of medical records with fraudulent intent.

Amend CCR section 2032.4

The proposed regulation relocated language to section 2032.05 under a separate section heading. It also updates existing language to include medical equipment used in current medical practice and specifies record keeping criteria for procedures involving general anesthesia.

Amend CCR section 2037

The proposed regulation updates and specifies existing language to include references to medical equipment used in current medical practice.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Sections 17500–17630 Require Reimbursement: None.

Business Impact: The Board has determined that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting California business enterprises and individuals, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses: The Board has determined that this regulatory proposal will not have any significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would affect small businesses.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS  
AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board at 2005 Evergreen Street, Suite 2250, Sacramento, California 95825.

AVAILABILITY AND LOCATION OF THE  
FINAL STATEMENT OF REASONS AND  
RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below. You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Ethan Mathes  
 Address: Veterinary Medical Board  
 2005 Evergreen Street,  
 Suite 2250  
 Sacramento, CA 95815-3831  
 Telephone No.: 916-263-1598  
 Fax No.: 916-263-2621  
 E-Mail Address: ethan.mathes@dca.ca.gov

The backup contact person is:

Name: Susan Geranen, Executive  
 Officer  
 Address: same as above  
 Telephone No.: 916-263-2610  
 Fax No.: 916-263-2621  
 E-Mail Address: vmb@dca.ca.gov

Website Access: Materials regarding this proposal can be found at [www.vmb.ca.gov](http://www.vmb.ca.gov).

## **TITLE 23. STATE WATER RESOURCES CONTROL BOARD**

### **NOTICE OF INTENTION TO AMEND A CONFLICT OF INTEREST CODE**

NOTICE IS HEREBY GIVEN that the State Water Resources Control Board intends to amend its conflict of interest code pursuant to Government Code Sections 87300-87302 and 87306. These amendments are limited to the designated employees list in the Appendix to the code. The amendments will designate additional positions and rename positions held by employees who must disclose certain investments, income, interests in real property and business positions, and who must disqualify themselves from making or participating in the making of governmental decisions affecting those interests. The amendments will also delete positions that no longer exist.

A written comment period has been established commencing on August 26, 2011 and terminating on October 10, 2011. Any interested person may present written comments concerning the proposed code amendment no later than October 10, 2011 to the State Water Resources Control Board, 1001 I Street, Sacramento, CA 95814, Attention: Nathan Jacobsen, Office of the Chief Counsel. No public hearing on this matter will be held unless any interested person or his or her representative requests, no later than 15 days prior to the close of the written comment period, a public hearing.

The State Water Resources Control Board has prepared a written explanation of the reasons for the designations and the disclosure responsibilities and has

available all of the information upon which its proposed amendments are based.

Copies of the proposed code amendments and all of the information upon which they are based may be obtained from Nathan Jacobsen, Office of the Chief Counsel, State Water Resources Control Board, 1001 I Street, Sacramento, CA 95814. Any inquires concerning the proposed code amendments should be directed to Nathan Jacobsen at [njacobsen@waterboards.ca.gov](mailto:njacobsen@waterboards.ca.gov) or by phone at (916) 341-5181.

The State Water Resources Control Board must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The adoption of the proposed amendment will not impose a cost or savings on any state agency, local agency, or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) or Division 4 of the Government Code; will not result in any nondiscretionary cost or savings to local agencies; will not result in any cost or savings in federal funding to the state; will not impose a mandate on local agencies or school districts; and will not have any potential cost impact on private persons or businesses including small businesses.

## **GENERAL PUBLIC INTEREST**

### **DEPARTMENT OF FISH AND GAME**

#### **Department of Fish and Game — Public Interest Notice**

For Publication August 26, 2011  
 CESA CONSISTENCY DETERMINATION  
 REQUEST FOR  
 Devers-Mirage 115-Kilovolt System Split Project  
 Riverside County  
 2080-2011-019-06

The Department of Fish and Game (Department) received a notice on August 10, 2011 that Southern California Edison Company (SCE) proposes to rely on a consultation between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act (CESA). The proposed action includes replacement of approx. 8.5 kilometers of existing 115-kilovolt (kV) single-circuit subtransmission line with new higher capacity double-

circuit 115-kV subtransmission lines; construction of a new 115-kV subtransmission line from Mirage Substation south to Interstate 10; and other related activities.

The United States Fish and Wildlife Service (Service) issued a “no jeopardy” federal biological opinion (File No. FWS-ERIV-08B0643-11F0350)(BO) and incidental take statement (ITS) on July 6, 2011 which considered the effects of the project on the Federally threatened and State endangered Coachella Valley fringe-toed lizard (*Uma inornata*).

Pursuant to California Fish and Game Code Section 2080.1, SCE is requesting a determination that the BO and ITS are consistent with CESA for purposes of the proposed Project. If the Department determines the BO and ITS are consistent with CESA for the proposed Project, SCE will not be required to obtain an incidental take permit under Fish and Game Code section 2081 for the Project.

## DEPARTMENT OF FISH AND GAME

### Department of Fish and Game — Public Interest Notice

For Publication August 26, 2011  
CESA CONSISTENCY DETERMINATION  
REQUEST FOR  
San Joaquin Pipeline — Eastern Segment Project  
Stanislaus and San Joaquin Counties  
2080-2011-020-03

The Department of Fish and Game (Department) received a notice on August 10, 2011 that San Francisco Public Utilities Commission (SFPUC) proposes to rely on a consultation between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act (CESA). The proposed action includes work on a 6-mile segment of the San Joaquin Pipeline, including construction of ancillary facilities and one new pipeline segment.

The United States Fish and Wildlife Service (Service) issued a “no jeopardy” federal biological opinion (File No. 814210-2010-F-0880-1)(BO) and incidental take statement (ITS) on August 9, 2011 which considered the effects of the project on the Federally and State threatened California tiger salamander (*Ambystoma californiense*).

Pursuant to California Fish and Game Code Section 2080.1, SFPUC is requesting a determination that the BO and ITS are consistent with CESA for purposes of the proposed Project. If the Department determines the BO and ITS are consistent with CESA for the proposed

Project, SFPUC will not be required to obtain an incidental take permit under Fish and Game Code section 2081 for the Project.

## DEPARTMENT OF FISH AND GAME

### CALIFORNIA ENDANGERED SPECIES ACT CONSISTENCY DETERMINATION NO. 2080-2011-016-01

**Project:** Yurok Habitat Conservation Plan

**Location:** Humboldt County, California

**Applicant:** Yurok Tribe

**Notifier:** Thomas O’Rourke

#### Background

The Yurok Tribe (Applicant) proposes to implement a forty-two year Habitat Conservation Plan (YHCP) to carry out forest management activities including timber operations on approximately 22,237 acres of commercial timberland in Humboldt County in northern California (Project). The YHCP is based on and derived from the Aquatic Habitat Conservation Plan and Candidate Conservation Agreement with Assurances (AHCP) for the California Timberlands of Green Diamond Resource Company (GDRCo), approved and effective on July 1, 2007. The Applicant acquired lands within the AHCP plan area subject to an Assignment and Assumption Agreement dated April 7, 2011, as executed by the Applicant, GDRCo, and the National Marine Fisheries Service (NMFS), a federal agency within the National Oceanic and Atmospheric Administration, Department of Commerce. The Applicant has agreed and is bound by the Assignment and Assumption Agreement to assume and perform certain rights, duties and obligations of GDRCo under the AHCP with respect to the portion of the AHCP plan area acquired by the Applicant (hereafter, the Yurok Plan Area). Specifically, the Assignment and Assumption Agreement requires the Applicant to implement and comply with the YHCP for purposes of various covered activities within Yurok Plan Area as previously covered and authorized under the AHCP. The GRDCo AHCP, including the activities now addressed and covered in the Yurok Plan Area by the YHCP, was the subject of an earlier consistency determination (2080-2008-008-01) issued by the Department of Fish and Game (DFG) on March 24, 2008. (Cal. Reg. Notice Register 2008, No. 14-Z, p. 525; Fish & Game Code, § 2080.1.)

The YHCP is derived from and based on the AHCP for the Yurok Plan Area. The YHCP generally incorporates entire sections of the AHCP by reference and selectively incorporates, revises, or replaces other sections of the AHCP where necessary to tailor and scale

the ACHP measures to the Yurok Plan Area. Terms defined by and used in the YHCP have the same meaning as terms defined in the AHCP and its related Implementation Agreement (IA). Where the same terms are defined and used in both the AHCP and the YHCP, the Applicant is responsible under the YHCP only for related rights and obligations in the Yurok Plan Area and GDRCo is responsible under the AHCP only for rights and obligations that pertain to land within the plan area that it owns and controls.

Activities subject to the YHCP and AHCP include harvesting and transporting timber, timber stand regeneration and improvement, road construction, maintenance and decommissioning, rock pit construction and use, and water drafting activities for dust abatement and fire suppression. The YHCP and AHCP also identify activities the Applicant will implement to minimize and mitigate the adverse environmental effects to aquatic habitat within the Yurok Plan Area as a result of the Applicant's timber operations, including impacts and various minimization and mitigation measures associated with woody debris recruitment, shade, surface erosion, and mass wasting.

The Project activities described above are expected to result in the incidental take<sup>1</sup> of coho salmon (*Oncorhynchus kisutch*) of the Southern Oregon/Northern California Coast ESU (SONCC coho salmon). In particular, SONCC coho salmon eggs, fry, and/or adults could be incidentally taken as a result of the operation of equipment within streams, discharge of sediment to coho habitat, stream flow alteration and discharge of hazardous contaminants to coho habitat. Project activities described above could also contribute to long-term reduction in habitat or maintenance of low quality habitat. SONCC coho salmon are designated as a threatened species pursuant to the federal Endangered Species Act (ESA) (16 U.S.C. § 1531 et seq.) and the California Endangered Species Act (CESA) (Fish & Game Code, § 2050 et seq.). (See Cal. Code Regs., tit. 14, § 670.5, subd. (b)(2)(D).)

Because the Project is expected to result in take of a species designated as threatened under the federal ESA, the Yurok Tribe prepared the YHCP in support of an application to NMFS for an incidental take permit (ITP) pursuant to ESA section 10(a)(1)(B). On April 14, 2011, NMFS issued an ITP under the federal ESA for the Project (ESA ITP No.1613-AA). The federal ITP requires the Applicant to implement and comply with various conservation measures in the YHCP and AHCP to avoid, minimize, and mitigate Project impacts on SONCC coho salmon; and to comply with the terms and

conditions in a related IA, all of which are incorporated by reference as conditions of the federal ITP.

On July 12, 2011, the Director of DFG received notice from the Applicant requesting a determination pursuant to Fish and Game Code section 2080.1 that the ITP, which requires implementation of and compliance with the IA and YHCP, is consistent with CESA for purposes of the Project and SONCC coho salmon. (Cal. Reg. Notice Register 2011, No. 29-Z, p. 1173.)

### **Determination**

DFG has determined that the federal ITP issued by NMFS for the Project (ESA ITP No.1613-AA) is consistent with CESA as to the Project and SONCC coho salmon because the conditions of approval set forth in the ITP, as well as related measures included in the YHCP and AHCP, meet the conditions in Fish and Game Code section 2081, subdivisions (b) and (c), to authorize incidental take of a CESA-listed species. Specifically, DFG finds that: (1) Project-related take of SONCC coho salmon within the Yurok Plan Area will be incidental to an otherwise lawful activity; (2) avoidance, minimization, and mitigation measures identified in the ITP, YHCP, and AHCP will minimize and fully mitigate the authorized impacts of the taking on SONCC coho salmon; (3) the Applicant has ensured adequate funding to implement the required avoidance, minimization and mitigation measures, and to monitor compliance with, and effectiveness of those measures; and (4) the Project as implemented within the Yurok Plan Area will not jeopardize the continued existence of SONCC coho salmon. The avoidance, minimization, and mitigation measures for SONCC coho salmon included as conditions of approval of the federal ITP, along with the YHCP and AHCP as incorporated by reference, include, but are not limited to, the following:

### Avoidance, Minimization, and Mitigation Measures

The Applicant is required by the federal ITP to implement various measures to avoid, minimize, and mitigate impacts on SONCC coho salmon largely associated with mechanisms related to woody debris recruitment, shade, surface erosion, and mass wasting. Of these impacts, the delivery of fine sediment to aquatic habitat remains the most difficult to address. Overall, measures required by the federal ITP are expected to improve emergence success of coho fry compared to the present condition. Similarly, measures required by the federal ITP are expected to improve juvenile coho abundance, particularly with respect to pools needed for both summer/fall juvenile rearing and juvenile overwintering habitat. Notably, required measures are expected to increase pool frequency, depth, and complexity compared to existing conditions, resulting again in increased abundance of juvenile coho salmon in the Yurok Plan Area. In combination, because measures re-

<sup>1</sup> Pursuant to Fish and Game Code section 86, " 'Take' means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill."



quired by the federal ITP will improve rearing habitat conditions, populations of SONCC coho salmon in the Yurok Plan Area are expected to increase in abundance, productivity and distribution commensurate with the expected improvements in freshwater life history habitat and increased availability of formerly inaccessible or degraded habitat.

The following measures required by the federal ITP, as summarized from the YHCP and GDRCo Operating Conservation Plan, govern Project activities within the Yurok Plan Area for Class I and Class II riparian management zones (RMZ), Class III equipment limitation zones (ELZ), roads, and mass wasting:

- Class I RMZ widths shall be at least 150 feet slope distance, divided into inner and outer zones, and the Applicant shall carry out only one harvest entry into Class I RMZs during the term of the federal ITP.
- For Class I watercourses, the Applicant shall maintain an overstory canopy closure of at least 85% within the inner zone and at least 70% within the outer zone. Within the RMZ, no trees shall be harvested that contribute to bank stability.
- To ensure adequate recruitment of large woody debris in Class I watercourses, the Applicant shall adhere to and implement following criteria to identify trees within the RMZ as potential candidates for harvest due to their low likelihood of recruitment to the watercourse: the tree has an impeded “fall-path” to the stream (e.g., upslope family members of a clonal group blocked by downslope stems); the tree or the majority of the crown weight of the tree is leaning away from the stream and the tree is not on the stream bank or does not have roots in the stream bank or stream; the distance of the tree to the stream is greater than the height of the tree; the tree is on a low gradient slope such that gravity would not carry the fallen tree into the stream or objects such as trees and large rocks impede its recruitment path; or the tree is not on an unstable area or immediately downslope of an unstable area.
- The Applicant shall mulch and seed or otherwise treat any area of Project-related ground disturbance caused by management activities that is larger than 100 square feet within an RMZ to reduce the potential for sediment delivery from sheet and gully erosion.
- No salvage shall occur within the inner zone of a Class I RMZ. If any part of salvageable timber is in the inner zone, that timber shall not be salvaged. No salvage shall take place within an identified floodplain or channel migration zone. Within the outer zone of any Class I RMZ, salvage operations shall be limited to downed trees and only subject to certain specified criteria.
- Class II RMZ widths shall be at least 75 or 100 feet based on the size and location of the watercourse (i.e., first or second order watercourses). The Applicant shall carry out only one harvest entry in Class II RMZs during the term of the federal ITP.
- For Class II watercourses, overstory canopy closure within the inner zone shall be at least 85% and at least 70% within the outer zone. Within the RMZ, no trees that contribute to maintaining bank stability shall be harvested.
- The same criteria used in Class I RMZs to identify trees as potential candidates for harvest due to their low likelihood of recruitment to the watercourse shall be used in the lower reaches of Class II watercourse RMZs tributary to Class I watercourses.
- Ground disturbance treatments and salvage restrictions in Class II RMZs shall be governed by the related restrictions governing the same activities in Class I RMZs.
- The Applicant shall apply one of two tiers of protection measures within Class III watercourses in accordance with Hydrographic Planning Areas (HPA) and slope gradients as set forth below:
  - Within Tier A (i.e., generally gentler slopes and more stable geology), a 30-foot equipment exclusion zone (EEZ) shall be established, except for (a) existing roads, (b) road watercourse crossings, and (c) skid trail watercourse crossings. Large woody debris on the ground (not including felled trees) shall be retained and fire shall not be used as part of site preparation.
  - Within Tier B (i.e., generally steeper slopes and less stable geology), a 50-foot EEZ shall be established, except as described for Tier A above. All hardwoods and nonmerchantable trees shall be retained within the Tier B EEZ, except where necessary to create cable corridors or for the safe falling of merchantable trees. LWD on the ground (not including felled trees) shall be retained and fire shall not be used as part of site preparation, and conifers shall be retained where they contribute to maintaining bank stability or if they are acting as a control point in the channel. A minimum average of one conifer, 15 inches diameter at breast height (dbh) or greater per 50 feet of stream length within the EEZ, shall be retained.

- Slope stability measures in the YHCP and AHCP include comprehensive measures to identify and protect steep streamside slopes based on HPAs. Consistent with those measures, restrictions on silviculture and canopy retention apply to an inner Riparian Slope Stability Management Zone (RSMZ) and an outer Slope Stability Management Zone (SMZ). Road construction will avoid these zones where feasible. Where it is infeasible to avoid such zones or where major road construction is required, the road alignment within a RSMZ or SMZ will be evaluated by a Professional Geologist and a Registered Professional Forester with experience in road construction in steep forested terrain.
- Again based on HPAs, measures similar to the slope stability requirements described above also apply to headwall swales, deep-seated landslides, and shallow rapid landslides.
- The YHCP and AHCP also include a comprehensive road management plan designed to reduce road sediment delivery to watercourses throughout the Yurok Plan Area during the term of the federal ITP based on a road assessment process and system to prioritize related repair. The YHCP and AHCP also require timely road-related sediment source identification and treatment, along with required guaranteed funding to treat sediment sources on permanent and seasonal logging roads within the Yurok Plan Area.

#### Monitoring and Reporting Measures

As set forth below, the federal ITP, through required compliance with various measures in the YHCP and AHCP, includes an adaptive management program that will monitor compliance with, and the effectiveness of, measures that minimize and fully mitigate Project-related impacts of the taking on SONCC coho salmon in the Yurok Plan Area.

- **Monitoring and Adaptive Management:** The YHCP and AHCP require the Applicant to monitor compliance with, and the effectiveness of, the conservation measures required by the federal ITP. Where monitoring indicates required measures are not effectively minimizing or fully mitigating authorized impacts of the taking, adaptive management measures are triggered and the Applicant shall be required, consistent with the federal ITP, to ensure that the conservation objectives of the federal ITP, and YHCP and AHCP, are met.

#### Financial Assurances

The Applicant is required by the federal ITP to provide funding assurances in the form of a letter of credit

payable and accessible to DFG in its sole discretion in the amount of \$137,000.00 for the first 15 years of the term of the federal ITP, reduced proportionally thereafter for the remainder of the term of the federal permit.

Pursuant to Fish and Game Code section 2080.1, take authorization under CESA is not required for the Applicant for the Project within the Yurok Plan Area for incidental take of SONCC coho salmon, provided the Applicant implements the Project as described in the YHCP and AHCP, including adherence to all measures contained therein, and complies with the mitigation measures and other conditions of approval set forth in the ITP. If there are any substantive changes to the Project, including changes to the mitigation measures, or if NMFS amends or replaces the federal ITP, YHCP or AHCP, the Applicant shall be required to obtain a new consistency determination or appropriate take authorization for SONCC coho salmon under CESA as provided by the Fish and Game Code. (See generally Fish & Game Code, §§ 2080.1, 2081, subds. (b) and (c).)

### **DEPARTMENT OF TOXIC SUBSTANCES CONTROL**

CALIFORNIA DEPARTMENT OF FISH & GAME  
CALIFORNIA REGIONAL WATER  
QUALITY CONTROL BOARD,  
CENTRAL COAST REGION  
Agencies within the

CALIFORNIA ENVIRONMENTAL  
PROTECTION AGENCY & CALIFORNIA  
RESOURCES AGENCY

#### **NOTICE TO INTERESTED PARTIES**

**STATE AGENCIES SEEK JUDICIAL APPROVAL OF JUDICIAL SETTLEMENT PURSUANT TO CERCLA WITH VARIOUS DE MINIMIS PARTIES REGARDING THE CASMALIA DISPOSAL SITE LOCATED IN SANTA BARBARA COUNTY**

**Summary:** The California Department of Toxic Substances Control, the California Department of Fish & Game, and the California Regional Water Quality Control Board, Central Coast Region (collectively the "State Regulatory Entities") are hereby providing notice of a proposed settlement, reached by the State Regulatory Entities with various parties, in connection with the Casmalia Superfund Site, in Santa Barbara County,

which is also referred to as the Casmalia Disposal Site, (“Casmalia Site” or “the Site”). The settlement is set forth in a proposed Consent Judgment, which the State Regulatory Entities intend to lodge with the United States District Court for the Central District of California. The proposed Consent Judgment is intended to resolve the alleged liabilities of the parties settling with the State Regulatory Entities for the Casmalia Site under the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (“CERCLA”), 42 U.S.C. §§ 9607(a) and 9613(g)(2). The parties included in this settlement with the State Regulatory Entities are identified below and are referred to in the Consent Judgment and herein as Settling Defendants. The State Regulatory Entities consider the Settling Defendants to be “de minimis” contributors of waste to the Casmalia Site. The Settling Defendants do not admit any liability. The majority of the Settling Defendants previously settled their alleged liability for the Casmalia Site with the United States Environmental Protection Agency (“U.S. EPA”).

**Casmalia Site:** The Casmalia Resources Hazardous Waste Management Facility (“Casmalia Facility”) is an inactive commercial hazardous waste treatment, storage, and disposal facility, which accepted large volumes of hazardous substances from 1973 to 1989. Located on a 252-acre parcel in Santa Barbara County, California, approximately ten (10) miles southwest of Santa Maria and one and one-half miles north of the town of Casmalia, the Casmalia Facility consists of six landfills, numerous surface impoundments, disposal trenches, injection wells, waste spreading areas and tank treatment systems.

The Casmalia Site consists of the Casmalia Facility, together with the areal extent of contamination that is presently located in the vicinity of the Casmalia Facility, and all suitable areas in very close proximity to the contamination necessary for the implementation of the response action and any areas to which such contamination migrates. The Casmalia Site is located near the southern end of the Casmalia Hills in the San Antonio Basin of coastal California. During the Casmalia Facility’s sixteen years of operation, the owner(s)/operator(s) accepted approximately 5.6 billion pounds of liquid and solid wastes for disposal and treatment at the Casmalia Facility. In late 1989, the owner(s)/operator(s) of the Casmalia Facility ceased accepting off-site waste shipments to the Casmalia Facility and, in the early 1990s, the owner(s)/operator(s) stopped all active efforts to properly close and remediate the Casmalia Facility and the Site.

On or about September 13, 2001, the Casmalia Site was listed on the National Priorities List (“NPL”) pursuant to CERCLA section 105(a)(8)(B), 42 U.S.C. § 9605(a)(8)(B). U.S. EPA is the lead agency for the

Casmalia Site. The State Regulatory Entities are support agencies to U.S. EPA, pursuant to the provisions of the National Contingency Plan (“NCP”), 42 U.S.C. § 9605 and 40 C.F.R. §300 *et seq.* In their role as support agencies to U.S. EPA, each of the State Regulatory Entities has incurred, and will continue to incur, response costs in connection with the Casmalia Site. Additional information regarding the Casmalia Site can be found at <http://www.epa.gov/region09/casmalia>.

**The Consent Judgment:** Consistent with the *de minimis* settlements the U.S. EPA reached with the majority of these Settling Defendants for the Casmalia Site, the State Regulatory Entities also decided to consider each Settling Defendant as a “*de minimis*” party under CERCLA for the Casmalia Site. The State Regulatory Entities allege that the parties settling with them sent a combined total of 264,753,654 pounds of waste to the Casmalia Site, which represents 4.73% of the total Casmalia Site waste. Pursuant to the proposed Consent Judgment, the Settling Defendants will pay a combined total of \$1,516,989 to the State Regulatory Entities. The payments to be made pursuant to the terms of the Consent Judgment to the State Regulatory Entities will be allocated as follows: \$891,985 to the California Department of Toxic Substances Control, \$71,307 to the California Department of Fish & Game, and \$553,697 to the California Regional Water Quality Control Board, Central Coast Region.

The Consent Judgment requires that each Settling Defendant pay a specific amount of money to each of the State Regulatory Entities based on the amount of waste that the Settling Defendant sent to the Casmalia Site from the facilities identified in Appendix C to the Consent Judgment. In return, each Settling Defendant will receive a covenant not to sue from the State Regulatory Entities and contribution protection as provided by law. The State Regulatory Entities reserve certain rights, including, but not limited to, their right to seek recovery of their unpaid costs from third parties.

**Settling Parties:** The parties settling their alleged liability to the State Regulatory Entities are referred to in the proposed Consent Judgment as “Settling Defendants.” They are: A&G German Cars, A&H Plating, Inc., A.O. Smith Corp., Advanced Coatings & Chemical, Air Logistics Corporation, Air Products and Chemicals, Inc., AK Steel Corporation, successor by merger to Armco, Inc., Akzo Nobel Coatings Inc., The Glidden Company, n/k/a Akzo Nobel Paints LLC, ALCO Capital Group, Inc., as successor-in-interest to Ayers Chairmakers, Inc., Allergan Inc., Alma Piston Co./Tomadur Engine Co., Aluminum Precision Products, Inc., Alyeska Pipeline Service Company, American Airlines, Inc., American Honda Motor Co., Inc., Ameron International Corporation, Amico West, Amsec Major, Amtrak–National Railroad Passenger Corp., Angelus Block



Company Inc., Anheuser-Busch Companies Inc., Anomet Metal Finishing, AOC, LLC, Arkema Inc., successor to Elf Atochem North America, Inc. and M&T Chemicals, Inc., Arkema Inc., successor to Pennwalt Corporation and its subsidiary Turco Products, Inc., Armtec Defense Products Co., Ashland Inc., Asphalt Products Oil Corp., Associates Insectary, Astro Pak Corporation, Atlas Galvanizing Company, Automation Plating Corp., Avery Dennison Corporation, Aviall Inc., B&Z Disposal, Baker Hughes Oilfield Operations, Inc., Ball Corporation, Bank of America, National Association, Barron Anodizing, BASF Corp., Baxter Healthcare Corporation, Koppers Company Inc. n/k/a Beazer East, Inc., Bell Sports, Inc., Benjamin Moore & Co. together with Technical Coatings Co., Berkshire Hathaway Inc., BetzDearborn, Inc., Beylik Drilling Inc., BHP Coated Steel Corp., Blue Diamond Growers, BOC Gases, Borg-Warner, Inc., f/k/a Borg-Warner Automotive, Inc., Brandenburg, Staedler & Moore, Bridgestone Americas Tire Operations, LLC, previously known as Bridgestone/Firestone Inc., Bristow Group Inc., f/k/a Offshore Logistics, Inc., Broadridge Securities Processing Solutions, Inc., successor in interest to Bunker Ramo Corp., Brown-Pacific Inc., Budget Rent A Car System, Inc., Calafiore & Associates, California Institute of Technology, California Steel Industries Inc., California Technical Plating Inc., Camsco Residential, Carpenter Co., Carrier Corporation, Caterpillar Inc., Catholic Healthcare West, successor by merger to Mercy Hospital of Sacramento, CBS Corporation, Cedars-Sinai Medical Center, Central Santa Clara County Regional Occupational Agency, Ceradyne Inc., Champion Technologies, Inc., Channel Industries Inc., Chemical Transportation (Tank/Cleaning) a/k/a Chemical Rainbow Transport Tank Cleaners, Cimarex Energy Co., on behalf of Argonaut Energy Corp., CIPCO, City of Azusa, City of Burbank, City of Huntington Beach, City of Lompoc, City of Monrovia, City of Newport Beach, City of Palo Alto, City of Riverside, City of San Diego, City of San Jose, City of San Marino, City of Santa Maria, City of Santa Monica, City of Signal Hill, City of Sunnyvale, City of Vernon, Clougherty Packing Co., Coca-Cola Refreshments USA, Inc., successor to Coca-Cola Enterprises, Inc. (CCE), for itself, CCE, Coca-Cola Bottling Co., Coca-Cola Co., and Dr. Pepper, Coherent, Inc., Cohu Inc. Electronics Div., ConAgra Foods, Inc., f/k/a ConAgra, Inc., on behalf of ConAgra Frozen Foods, ConAgra Grocery Products Company, LLC, United Can Company, and Beatrice/Hunt-Wesson, Inc., Consolidated Fabricators Corp., Continental Holdings, Inc., as successor-in-interest for certain limited purposes to Continental Can Company, together with Crown Cork & Seal Company, Inc., Continental Materials Corporation, Conway Oil Company, Cooper Industries, Inc., n/k/a Cooper Industries, LLC,

County of Kern, County of Kings, County of Marin, County of Riverside, County of Sacramento, County of San Benito, County of San Diego, County of San Joaquin, County of Santa Barbara, County of Ventura, County Sanitation District No. 2 of Los Angeles County, CoxCom Inc., Crane Co., Crenshaw Christian Center Church of Los Angeles, Crown Cork & Seal Co., Inc., CTS Keene, Inc., CTS Printex Inc., Cubic Corporation, Culligan International Company and Culligan Water Conditioning of Orange County, D&D Tanks, D&S Industries, David Karney Contractor, Dayton Superior Corporation, Decalta International Corporation, Deluxe Packages, Downey Glass, Dunn Edwards Corp., Dura-Bond Bearing Co., E & T LLC, E.C. Loomis & Son, E.M. Johansing Partnership, Eastern Contra Costa Transit Authority, Eaton Corporation, EDO Corporation, Elconin and Saffrin II, Electromatic Inc., Elixir Industries, El Paso E.S.T. Company, as Trustee of EPEC Oil Company Liquidating Trust for Tenneco Inc. (EPEC Oil Company), Embee Inc., Emerson Electric Co., Emery Air Freight Corp., Ernest Carlson, ESCO Technologies Inc., formerly named ESCO Electronics Corporation, Estech Inc., EXAR Corporation, Exide Corp., Facet Energy (Gammalloy Ltd.), Federal Express Corporation, Federal Mogul, FHL Group, Flower Street Partnership, FMC Corporation, FMM, Inc., as successor to Mike Miller Toyota, Inc., Foothill-DeAnza Community College District, Frazee Industries Inc., GATX Corporation, Genentech, Inc., General Atomics, General Mills, Inc. as successor in interest to Ogden Corporation, (Ogden Food Products), George Industries, Georgia Pacific Corp., Gerard Metal Craftsmen Inc., John Gherini, Sue J. Sword and Northern Trust, N.A., as co-trustees of the Marian Mullin Hancock Charitable Trust for Rosemary Farm, Glasteel Tennessee Inc., Goleta Water District, H&H Paramount Ltd., Hanson Aggregates, LLC, successor-in-interest to Riverside Cement Co., Harriman Street Partners, Hawthorne/Stone Real Estate, Henkel of America, Inc., Henkel Corporation, as successor to Henkel Loctite Corporation, as successor to Loctite Corporation, for themselves and on behalf of Henkel Loctite Corporation and Loctite Corporation and Dexter Hysol Aerospace, LLC, formerly Dexter Hysol Aerospace, Inc., and the Hysol Division of The Dexter Corporation, Hi-Shear Corp., Host International, Kenneth M. House as Trustee of the Estate of Howard P. House on behalf of Verdugo Hill Golf Course, Hurst Chemical Co., ICI Americas Inc., Imation Corp., Imperial Oil & Grease, Industrial Wire Products Corp., Ingersoll-Rand Company, Intel Corp., InterMetro Industries Corporation, International Paint Inc., ITT Corporation, J.R. Simplot Co., JBL Scientific Inc., Johns Manville, f/k/a Johns Manville International, Inc., K and L Anodizing Corp., Kaiser Foundation Health Plan Inc., Key Energy Ser-



vices, Inc. (formerly Key Energy Group, Inc.) as successor to Welltech, Inc., Kinder Morgan Energy Partners, L.P., Kinsbursky Brothers, Kliklok Corporation, Knott's Berry Farm, Koch Materials, LLC, as successor in interest to Koch Asphalt Company, Kyocera America Inc., Lear Siegler Diversified Holdings, Leggett & Platt, Inc.; Bedline Manufacturing, a division of Leggett & Platt, Inc.; L & P Property Management Company, dba L&P PMC, Inc., Lin Data Corp., Lincoln Place Associates Limited Partnership, Lindberg Heat Treating Co., nka Bodycote Thermal Processing, Inc., Long Beach Community College District, Long Beach Unified School District, Longview Fibre Company and Longview Fibre Paper and Packaging Inc., Los Angeles County Metropolitan Transit Authority, Los Angeles Galvanizing Co., Los Angeles Unified School District, Los Rios Community College District, Los Robles Regional Medical Center, Lubeco Inc., Luxfer, Inc., together with Luxfer USA Ltd., Luxfer USA, Luxfer Gas Cylinders, BA Holdings and Sundance Holdings, M.C. Gill Corp., MAFO/Pneumo Abex, Martinez Shopping Center, Marwais Steel Company, LLC, successor in interest to Marwais Steel Company, for WAISCO, Masco Corp., as indemnitor for Norris Industries, Inc., Master Halco Inc., Materion Brush Inc., f/k/a Brush Wellman Inc., Matheson Gas Products, Inc., Matson Navigation Company, Inc., Mattel Inc., Maytag Corporation, Mazda North American Operations, McKesson Corporation, MeadWestvaco Corporation, Mechanical Metal Finishing Co., Inc., Menlo Caspian, Mesa Center Automotive, Metal Container Corporation of California, Milard Group, Ltd., C. Edward Millar, Jr., as Trustee of the Say Mor Oil Co., Liquidating Trust on behalf of Say Mor Oil Co. (dissolved), Miller Brewing Company, Minnesota Mining and Mfg. Co., n/k/a 3M Company, Mission Industries, Mission Valley Ford Trucks, Modine Manufacturing Company, Montana Vista Co. LLC, Montrose Chemical Corp. of California, Motorola Inc., Nabors Holding Company, successor-in-interest to Pool Energy Services Co., Nabors Well Services Co., successor to Pool California Energy Services, Inc., NAPP Systems, Inc., National Semiconductor Corporation, National Semiconductor (Maine) Inc., f/k/a Fairchild Semiconductor Corporation, National Steel & Shipbuilding Company, Nestle USA, Inc., Nestle Waters North America Inc., f/k/a Great Spring Waters of America Inc. and referred to herein as Great American Spring Waters, Neville Chemical Company, Newport Corporation, as successor-in-interest to Spectra Physics, Inc., NI Industries, Inc., Vida Norris Industries, Inc., together with Trimas Corporation, Northwest Pipe and Casing Co., Norton Packaging, Inc., NPEC Inc., Oakdale Memorial Park Inc., Occidental Chemical Corporation successor to Diamond Shamrock Chemical Corporation, Occidental Chemi-

cal Corporation, f/k/a/ Oxy Metal Industries Corporation, a subsidiary of Occidental Petroleum Corporation, Occidental Research Corporation, a subsidiary of Occidental Petroleum Corporation, Olin Corporation, Olympian Oil, Omar Rendering Co., OSCA, Inc., Owens-Illinois Inc., Oxnard Pest Control Association, PAC Foundry, PAC Operating Limited Partnership, formerly known as Catellus Operating Limited Partnership, successor by merger to Catellus Development Corporation, Paccar, Inc., Pacific Coast Drum Company, Pacific Racing Association/Golden Gate Fields, Tenneco Packaging, Inc., n/k/a Pactiv Corporation, Parker Hannifin Corp., Pasadena Area Community College District, Pentrate Metal Processing Inc., Pepper Oil Co., Inc., PerkinElmer, Inc., as successor to Optical Radiation Corp., Pfizer Inc., Pilkington Barnes Hind, Pioneer North America, Inc., together with Discovision Associates, Pioneer Electronics (USA) Inc., and Pioneer Video Manufacturing, Inc. (dissolved), B.E. Fipp as Trustee for Fipp Family Trust and dissolved Piper Ranch Assoc., Ernest Rady as Trustee of the Ernest Rady Trust, on behalf of Piper Ranch Assoc. (dissolved), Merit Texas Properties, Inc. on behalf of Piper Ranch Assoc. (dissolved), Plastic Materials Inc., Plessey, Inc., PQ Corporation, Praxair, Inc., as indemnitor for Union Carbide Corp., Prime Alloy Steel Castings, Printronix, Inc., Products Engineering Corp., Prudential Insurance Co. of America, Prudential Lighting Corporation, Prudential Overall Supply Inc., R.R. Donnelley and Sons Co., Redken Laboratories Inc., Republic Waste Services of Southern California, LLC, f/k/a Taormina Industries, LLC, Revlon Consumer Products Corporation, Rheem Manufacturing Co., Riverside Community Hospital, Roche Holdings Ltd/Syntex (USA) Inc., Rogers Corporation, RPM, Inc., Sacramento County Sanitation District No. 1, Sacramento Municipal Utility District (SMUD), Saddleback Valley Unified School District, Safeway Inc., Sage Energy Company, San Diego Community College District, San Joaquin Refining Company Inc., Sanmina-SCI Corporation, successor-ininterest to Elexsys International, Inc., Santa Maria Joint High School District, Santa Palm Car Wash, Santa Paula Union School District, SANYO E&E Corporation, Saticoy Lemon Association, SBC Holdings (f/k/a The Stroh Brewery Company), Schmid Insulation Contractors, Inc., Scripps Research Institute, Sears, Roebuck and Co., Shultz Steel Company, Siemens Healthcare Diagnostics Inc., f/k/a Diagnostic Products Corp., Sierracin Corp., Sigma Circuits Inc., Sigma Plating Co., Inc., Signetics Corporation, Siliconix, Inc., Jerome E. Sklar as Trustee of the Esther & Harold Mazur Trust, on behalf of the Esther & Harold Mazur Trust, Sony Electronics Inc., Sparton Corporation, SRI International, Sta-Lube, Inc., Standard Nickel-Chromium Plating Company, Stanford University,

Steelcase Inc., Stepan Company, Sun Chemical Corporation, Superior Industries International Inc., Supra Alloys Inc., T.G.L. Associates, Inc., TABC Inc., Technicolor Inc., Ted Levine Drum Co., Teledyne Technologies Incorporated, Temple Inland Inc., Tesoro Petroleum Corporation, Texas Instruments Incorporated, Texas Instruments Tucson Corporation f/k/a Burr-Brown Corporation, successor in interest by merger with Burr-Brown Research Corporation, Textron Inc., The Aerospace Corporation, The Archdiocese of Los Angeles, The Bekins Company, The Clorox Company, The Coca-Cola Company for itself and its former Coca Cola Foods Division, The Dial Corporation, The Gillette Company, The Housing Authority of the County of Marin, The Interlake Corporation, The Marmon Group, The Okonite Co., Inc., The Pasadena Center Operating Co., The Southland Corporation, The Valspar Corporation, Three Bond International, Inc., Time Warner, Torrance Unified School District, Toyota Motor Sales, USA, Inc., Triangle PWC, Inc., Tribune Company, as successor-by-merger to Times Mirror Company, and Los Angeles Times Communications LLC, Tucson Electric Power Company, Tyco Electronics Corporation, successor to Raychem Corporation, Union Bank, also known as Union Bank of California, Unisys Corporation, United Air Lines Inc., United States Steel Corporation together with U.S. Steel Corp., Oilwell Division, USS-Posco Industries, U.S. Steel Corp., Pittsburgh Works, USS Chemical and Aristech Chemical Corporation now known as Braskem America, Inc., United Technologies Corporation, University of Southern California, Urethane Industries, US Borax Inc., Varian Associates, Inc., Vertis, Inc., as successor-in-interest to Treasure Chest Advertising Company Inc., Vesper Corp., Virco Manufacturing Corp., VWR Scientific, Inc., Walt Disney World Co., Weatherford International, Weber Metals Inc., West County Wastewater District, West Valley-Mission Community College District, Western Tube and Conduit Co., Vincent E. Wood and William A. Wood, World Oil Co., Xerox Corporation.

**Entry of the Consent Judgment:** The State Regulatory Entities intend to lodge the proposed Consent Judgment with the United States District Court for the Central District of California. The proposed Consent Judgment will be subject to public comment for a period of not less than thirty (30) days. The State Regulatory Entities, through the California Attorney General's Office, will file a motion for judicial approval of the proposed Consent Judgment, pursuant CERCLA, 42 U.S.C. §9613(f)(2). The State Regulatory Entities reserve the right to withdraw or withhold their consent to the proposed Consent Judgment if public comments received, if any, disclose facts or considerations which in-

dicade that the proposed Consent Judgment is inappropriate, improper, or inadequate.

**Obtaining Copies of the Proposed Consent Judgment:** Interested parties may obtain a copy of the proposed Consent Judgment by contacting:

Ms. Sonia F. Ramos  
Legal Analyst  
Office of the California Attorney General  
1515 Clay Street, 20th Floor  
Oakland, California 94612-0550  
SoniaF.Ramos@doj.ca.gov

**Comments on the Proposed Consent Judgment:** Comments on the proposed Consent Judgment can be made in writing and submitted to Christopher Sherman, Project Manager, Department of Toxic Substances Control (DTSC), 8800 Cal Center Drive, Sacramento, CA 95826. Comments must be received by DTSC **on or before September 27, 2011**. A copy of the comments should be sent to Ms. Ramos at the above address. The written comments should reference the "Casmalia Site." The State Regulatory Entities' response(s) to timely comments will be made available upon written request by any interested party. Further information regarding this matter may be obtained by contacting either Supervising Deputy Attorney General Margarita Padilla at [Margarita.Padilla@doj.ca.gov](mailto:Margarita.Padilla@doj.ca.gov) or Deputy Attorney General Deborah A. Wordham at [Deborah.Wordham@doj.ca.gov](mailto:Deborah.Wordham@doj.ca.gov).

## SUMMARY OF REGULATORY ACTIONS

### REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

File# 2011-0802-01  
BOARD OF BARBERING AND COSMETOLOGY  
Administrative Fine Schedule

In this regulatory action, the Board of Barbering and Cosmetology (Board) amends its regulation entitled "Schedule of Administrative Fines." This regulation sets forth the administrative fines which may be assessed for violations of specified sections of the Barber-

ing and Cosmetology Act and for violations of specified rules and regulations adopted by the Board, pursuant to Business and Professions Code sections 7406 and 7407.

Title 16  
California Code of Regulations  
AMEND: 974  
Filed 08/17/2011  
Effective 09/16/2011  
Agency Contact: Kevin Flanagan (916) 575-7104

File# 2011-0729-01  
**BOARD OF EQUALIZATION**  
Calculation of Estimated Use Tax — Use Tax Table

In this regulatory action, the Board of Equalization (Board) implements Revenue and Taxation Code section 6452.1, as amended in Senate Bill 86, Statutes of 2011, Chapter 14. Revenue and Taxation Code section 6452.1 requires the Board to annually calculate the estimated amount of use tax due according to a person's adjusted gross income and by July 30 of each calendar year make available to the Franchise Tax Board such amounts in the form of a use tax table. The regulation sets forth the use tax table for calendar year 2011, prescribes the manner in which the Board shall annually calculate the estimated amount of use tax due according to a person's adjusted gross income for calendar year 2012 and subsequent years, and prescribes the format of the use tax tables the Board must make available to the Franchise Tax Board each year.

Title 18  
California Code of Regulations  
ADOPT: 1685.5  
Filed 08/16/2011  
Effective 09/15/2011  
Agency Contact:  
Richard E. Bennion (916) 445-2130

File# 2011-0706-01  
**BOARD OF PILOT COMMISSIONERS**  
Duties of Port Agents

This action amends one regulation governing the duties of a Port Agent by adding requirements to report suspected pilot misconduct or violations of these regulations or the Harbors and Navigation Code to the existing reporting mandate. It further specifies the required content of the report and the sequence of authorities the Port agent is to report to.

Title 7  
California Code of Regulations  
AMEND: 218  
Filed 08/16/2011  
Effective 09/15/2011  
Agency Contact: Terri Toohey (916) 768-5638

File# 2011-0629-02  
**CALIFORNIA ALTERNATIVE ENERGY AND  
ADVANCED TRANSPORTATION FINANCING  
AUTHORITY**  
SB 71 Sales and Use Tax Exclusion Program

The California Alternative Energy and Advanced Transportation Financing Authority adopted a certificate of compliance for emergency regulations sections 10030, 10031, 10032, 10033, 10034, 10035, and 10036 in title 4 of the California Code of Regulations which implement the advanced transportation and alternative source manufacturing sales and use tax exclusion program.

Title 4  
California Code of Regulations  
ADOPT: 10030, 10031, 10032, 10033, 10034, 10035, 10036, 10037  
Filed 08/10/2011  
Effective 09/28/2011  
Agency Contact: Deana Carrillo (916) 657-5052

File# 2011-0801-02  
**CALIFORNIA HIGHWAY PATROL**  
Conflict-of-Interest Code

The California Highway Patrol is amending its conflict of interest code found at title 13, section 1800, California Code of Regulations. The amendment was approved for filing by the Fair Political Practices Commission on July 27, 2011.

Title 13  
California Code of Regulations  
AMEND: 1800  
Filed 08/16/2011  
Effective 09/15/2011  
Agency Contact:  
Jonathan S. Rothman (916) 843-3050

File# 2011-0729-03  
**CALIFORNIA POLLUTION CONTROL  
FINANCING AUTHORITY**  
Capital Access Program for Small Business

This is a hybrid certification of emergencies and a regular rulemaking due to a lapsed emergency action (OAL File No. 2010-1117-04E). The California Capital Access Loan Program contracts with financial institutions to make loans available to small businesses that fall just outside of most conventional underwriting standards. (Health & Safety Code section 44559.2) These regulatory amendments primarily expand access to the benefits of CalCAP primarily by increasing the Qualified Loan size and Qualified Business size. In addition, the Authority is making the changes to conform the state program to changes in federal guidelines

issued by the US Treasury for California to be eligible for funds.

Title 4  
California Code of Regulations  
ADOPT: 8078.2 AMEND: 8070, 8072, 8073, 8074  
Filed 08/16/2011  
Effective 08/16/2011  
Agency Contact: Alejandro Ruiz (916) 653-2749

File# 2011-0805-01  
CALIFORNIA STATE UNIVERSITY  
Requirement in U.S. History, Constitution and American Ideals

The Board of Trustees of the California State Universities is amending regulations concerning the United States History, Constitution and American Ideals requirements to allow for more exceptions by the Chancellor. This matter is exempt from OAL review pursuant to Education Code section 89030.1.

Title 5  
California Code of Regulations  
AMEND: 40404  
Filed 08/15/2011  
Effective 08/15/2011  
Agency Contact: Jason T. Taylor (562) 951-4500

File# 2011-0805-03  
CALIFORNIA STATE UNIVERSITY  
The Doctor of Physical Therapy Degree

The Board of Trustees of the California State Universities adopted requirements for obtaining a Doctor of Physical Therapy Degree and is adding requirements concerning the degree to the California Code of Regulations. This matter is exempt from OAL review pursuant to Education Code section 89030.1.

Title 5  
California Code of Regulations  
ADOPT: 40515  
Filed 08/15/2011  
Effective 08/15/2011  
Agency Contact: Jason T. Taylor (562) 951-4500

File# 2011-0805-02  
CALIFORNIA STATE UNIVERSITY  
Function: Instruction Leading to the Doctor of Nursing Practice Degree

The Board of Trustees of the California State Universities adopted requirements for obtaining a Doctor of Nursing Practice Degree pursuant to three pilot programs they are establishing. The degree may be awarded independently of any other institution provided certain criteria is met. This matter is exempt from

OAL review pursuant to Education Code section 89030.1.

Title 5  
California Code of Regulations  
ADOPT: 40050.2  
Filed 08/15/2011  
Effective 08/15/2011  
Agency Contact: Jason T. Taylor (562) 951-4500

File# 2011-0805-04  
CALIFORNIA STATE UNIVERSITY  
The Doctor of Physical Therapy Degree: Requirements  
The Board of Trustees of the California State Universities adopted requirements for obtaining a Doctor of Physical Therapy Degree. This regulatory adoption adds the requirements for advancement to candidacy for the degree to the California Code of Regulations. This matter is exempt from OAL review pursuant to Education Code section 89030.1.

Title 5  
California Code of Regulations  
ADOPT: 40516  
Filed 08/15/2011  
Effective 08/15/2011  
Agency Contact: Jason T. Taylor (562) 951-4500

File# 2011-0805-05  
CALIFORNIA STATE UNIVERSITY  
California State University General Education—Breadth Requirements

The Board of Trustees of the California State Universities is amending the Breadth Requirements for their General Education criteria for the California State University. They are adding provisions that allow for exceptions in the case of a post-baccalaureate student seeking another baccalaureate degree. This matter is exempt from OAL review pursuant to Education Code section 89030.1.

Title 5  
California Code of Regulations  
AMEND: 40405.1  
Filed 08/15/2011  
Effective 08/15/2011  
Agency Contact: Jason T. Taylor (562) 951-4500

File# 2011-0805-06  
CALIFORNIA STATE UNIVERSITY  
Cooperative Curricula

The Board of Trustees of the California State Universities has determined that two or more campuses may cooperatively establish a doctoral degree. The Chancellor is authorized pursuant to regulation, to establish and revise procedures for such. This matter is exempt from OAL review pursuant to Education Code section 89030.1.



Title 5  
California Code of Regulations  
AMEND: 40100.1  
Filed 08/15/2011  
Effective 08/15/2011  
Agency Contact: Jason T. Taylor (562) 951-4500

File# 2011-0805-07

**CALIFORNIA STATE UNIVERSITY**

**Admission to Doctor of Physical Therapy Programs**

The Board of Trustees of the California State Universities is adopting the requirements for admission to a Doctor of Physical Therapy program for California State University. This matter is exempt from OAL review pursuant to Education Code section 89030.1.

Title 5  
California Code of Regulations  
ADOPT: 41022  
Filed 08/15/2011  
Effective 08/15/2011  
Agency Contact: Jason T. Taylor (562) 951-4500

File# 2011-0805-08

**CALIFORNIA STATE UNIVERSITY**

**Function: Instruction Leading to Doctor of Physical Therapy Degree**

The Board of Trustees of the California State Universities has adopted requirements for obtaining a Doctor of Physical Therapy Degree for the California State University. This regulatory adoption indicates that the degree may be awarded independently of any other institution provided certain criteria is met. This matter is exempt from OAL review pursuant to Education Code section 89030.1.

Title 5  
California Code of Regulations  
ADOPT: 40050.3  
Filed 08/15/2011  
Effective 08/15/2011  
Agency Contact: Jason T. Taylor (562) 951-4500

File# 2011-0805-09

**CALIFORNIA STATE UNIVERSITY**

**Baccalaureate Degrees Completed in Post-Baccalaureate Standing**

The Board of Trustees of the California State Universities is adopting a regulation that clarifies that a California State University may not require a student who already holds a baccalaureate degree to take additional courses unrelated to their current major within a degree program if the student meets the articulated requirements. This matter is exempt from OAL review pursuant to Education Code section 89030.1.

Title 5  
California Code of Regulations  
ADOPT: 40509  
Filed 08/15/2011  
Effective 08/15/2011  
Agency Contact: Jason T. Taylor (562) 951-4500

File# 2011-0805-10

**CALIFORNIA STATE UNIVERSITY**

**Admission to Doctor of Nursing Practice Programs**

The Board of Trustees of the California State Universities has adopted the requirements for admission to a Doctor of Nursing Practice Program for the California State University. The requirements for the program are being added to the California Code of Regulations. This matter is exempt from OAL review pursuant to Education Code section 89030.1.

Title 5  
California Code of Regulations  
ADOPT: 41021  
Filed 08/15/2011  
Effective 08/15/2011  
Agency Contact: Jason T. Taylor (562) 951-4500

File# 2011-0805-11

**CALIFORNIA STATE UNIVERSITY**

**The Doctor of Nursing Practice Degree: Requirements**

The Board of Trustees of the California State Universities adopted a Doctor of Nursing Practice Degree for the California State University. This regulation adopts the criteria for students to be eligible for the degree. This matter is exempt from OAL review pursuant to Education Code section 89030.1.

Title 5  
California Code of Regulations  
ADOPT: 40514  
Filed 08/15/2011  
Effective 08/15/2011  
Agency Contact: Jason T. Taylor (562) 951-4500

File# 2011-0805-12

**CALIFORNIA STATE UNIVERSITY**

**The Doctor of Nursing Practice Degree**

The Board of Trustees of the California State Universities adopted a Doctor of Nursing Practice Degree for the California State University. This regulatory adoption provides for criteria for the pilot degrees programs to be offered. This matter is exempt from OAL review pursuant to Education Code section 89030.1.

Title 5  
California Code of Regulations  
ADOPT: 40513  
Filed 08/15/2011  
Effective 08/15/2011  
Agency Contact: Jason T. Taylor (562) 951-4500

File# 2011-0715-03

**DEPARTMENT OF CORRECTIONS AND  
REHABILITATION****Reentry Court Program for Parolees**

This rulemaking action makes permanent the emergency regulations concerning the Reentry Court Program for parolees. Specifically, the rulemaking action defines program terminology, establishes eligibility and exclusionary criteria, makes specific the referral process for participation in the program, defines parole agent responsibilities, and establishes procedures for processing subsequent parole violations.

**Title 15****California Code of Regulations**ADOPT: 3769, 3769.1, 3769.2, 3769.3, 3769.4,  
3769.5, 3769.6

Filed 08/16/2011

Effective 08/16/2011

Agency Contact: Josh Jugum (916) 445-2228

File# 2011-0630-02

**DEPARTMENT OF REAL ESTATE****Use of Nicknames in Licensed Real Estate Practice**

This rulemaking by the Department of Real Estate amends section 2731 of title 10 of the California Code of Regulations, which regulates use of names other than those legal names that appear on real estate licenses. This amendment allows a licensee to use a nickname while conducting activity requiring a license, in conjunction with their legal surname and license identification number where that number is required by section 10140.6(b) of the Business and Professions Code.

**Title 10****California Code of Regulations**

AMEND: 2731

Filed 08/11/2011

Effective 09/10/2011

Agency Contact:

Daniel E. Kehew (916) 227-0425

File# 2011-0701-02

**EDUCATION AUDIT APPEALS PANEL****Audits of K-12 LEAs — FY 2011-12**

The Education Audit Appeals Panel submitted this timely certificate of compliance action to make permanent the emergency regulations adopted in OAL File No. 2011-0422-06E. The emergency regulations updated the audit guide used for auditing California K-12 Local Education Agencies, pursuant to Education Code section 14502.1. The updated guide is applicable to FY 2011-2012. The emergency regulations amended five sections and adopted four sections under title 5 of the

California Code of Regulations. The affected sections include updates to the guide to ensure consistency with general auditing standards (e.g., Codification of Statements on Auditing Standards, published by the AIC-PA), amendments to clarify existing guide auditing procedures, and a new section, pursuant to AB 1610 (Stats. 2010, ch. 724), which requires reporting of attendance records for juvenile court schools operated by a county superintendent of schools.

**Title 5****California Code of Regulations**

ADOPT: 19817.2, 19817.5, 19840, 19846.1

AMEND: 19815, 19816, 19816.1, 19817.1, 19846

Filed 08/15/2011

Effective 08/15/2011

Agency Contact: Carolyn Pirillo (916) 445-7745

File# 2011-0725-03

**OCCUPATIONAL SAFETY AND HEALTH  
STANDARDS BOARD****Hazardous Liquids**

The Occupational Safety and Health Standards Board submitted this rulemaking action to adopt one section and amend one section in title 8 of the California Code of Regulations. Title 8, section 3302 is being adopted to add requirements to ensure that hazardous liquids capable of causing physical injury to the skin be covered, insulated, or otherwise guarded against inadvertent contact. Where covering or guarding a hazardous liquid is impractical, personal protective equipment is required. Title 8, section 3308, which governs hot pipes and hot surfaces, is being amended to add an informative note that, for liquids, title 8, section 3302 applies.

**Title 8****California Code of Regulations**

ADOPT: 3302 AMEND: 3308

Filed 08/10/2011

Effective 09/09/2011

Agency Contact: Marley Hart (916) 274-5721

**CCR CHANGES FILED  
WITH THE SECRETARY OF STATE  
WITHIN March 23, 2011 TO  
August 17, 2011**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of

the Notice Register published on the first Friday more than nine days after the date filed.

**Title 2**

08/08/11 ADOPT: 59700  
 07/27/11 AMEND: 1859.90.2, 1859.81  
 07/15/11 AMEND: 1151, 1153, 1155.500, 1165, 1170, 1172.20  
 07/11/11 ADOPT: 21903.5 AMEND: 21903  
 07/11/11 ADOPT: 570.5 AMEND: 571(b)  
 07/06/11 AMEND: 1859.2, 1859.81, 1859.148.2, 1859.166.2  
 07/06/11 AMEND: 18360  
 07/05/11 AMEND: 649.3, 649.18, 649.20, 649.24  
 06/30/11 AMEND: 633.9  
 06/21/11 REPEAL: 59152  
 06/07/11 AMEND: 640  
 05/12/11 AMEND: 1859.83  
 05/04/11 ADOPT: 1190, 1190.01, 1190.02, 1190.03, 1190.04, 1190.05 AMEND: 1181.1, 1181.2  
 04/28/11 AMEND: 18427.1  
 04/28/11 AMEND: 1859.90.2  
 04/27/11 AMEND: 1859.76  
 04/21/11 REPEAL: 18420.5  
 04/21/11 AMEND: 18465  
 04/21/11 ADOPT: 1859.90.2 AMEND: 1859.90.2 (renumbered to 1859.90.3), 1859.129, 1859.197  
 04/11/11 AMEND: 321  
 04/06/11 AMEND: 59.3  
 04/05/11 AMEND: 1859.2, 1859.81, 1859.148.2, 1859.166.2  
 04/01/11 AMEND: 18734  
 03/30/11 AMEND: 64.5  
 03/28/11 AMEND: 599.550

**Title 3**

08/03/11 AMEND: 3437(b)  
 07/28/11 REPEAL: 1400.9.1  
 07/15/11 AMEND: 3434(b)  
 07/15/11 AMEND: 3589  
 07/15/11 REPEAL: 3286  
 07/08/11 AMEND: 3658  
 07/05/11 ADOPT: 3701, 3701.1, 3701.2, 3701.3, 3701.4, 3701.5, 3701.6, 3701.7, 3701.8 AMEND: 3407  
 06/28/11 AMEND: 3591.15(a)  
 06/27/11 AMEND: 3437(b)  
 06/22/11 AMEND: 3435(b)  
 06/15/11 AMEND: 3437(b)  
 05/31/11 AMEND: 3437(b)  
 05/11/11 ADOPT: 6446, 6446.1 AMEND: 6400, 6452.4, 6624, 6860  
 04/20/11 AMEND: 3434

04/14/11 ADOPT: 3701, 3701.1, 3701.2, 3701.3, 3701.4, 3701.5, 3701.6, 3701.7, 3701.8 AMEND: 3407

04/07/11 AMEND: 6445.5, 6448.1, 6449.1, 6450.1, 6452.2, 6452.3, 6452.4, 6536, 6626

**Title 4**

08/16/11 ADOPT: 8078.2 AMEND: 8070, 8072, 8073, 8074  
 08/10/11 ADOPT: 10030, 10031, 10032, 10033, 10034, 10035, 10036, 10037  
 07/27/11 AMEND: 5064  
 07/21/11 ADOPT: 1844.1  
 07/20/11 AMEND: 4800, 4801, 4802  
 07/20/11 AMEND: 150  
 07/12/11 AMEND: 1606, 1974, 1954.1, 1957, 1959, 1976, 1976.8, 1976.9, 1977, 1978, 1979, 1979.1  
 07/01/11 ADOPT: 5000, 5010, 5020, 5021, 5030, 5031, 5032, 5033, 5034, 5035, 5036, 5037, 5038, 5039, 5050, 5051, 5052, 5053, 5054, 5060, 5061, 5062, 5063, 5064, 5065, 5066, 5080, 5081, 5082, 5100, 5101, 5102, 5103, 5104, 5105, 5106, 5107, 5120, 5130, 5131, 5132, 5133, 5140, 5141, 5142, 5143, 5144, 5150, 5151, 5152, 5153, 5154, 5170, 5180, 5181, 5182, 5183, 5190, 5191, 5192, 5193, 5194, 5200, 5210, 5211, 5212, 5220, 5221, 5230, 5231, 5232, 5240, 5241, 5250, 5251, 5260, 5265, 5266, 5267, 5268, 5269, 5270, 5275, 5280, 5281, 5282, 5283, 5290, 5291, 5300, 5310, 5311, 5312, 5313, 5314, 5315, 5320, 5321, 5330, 5340, 5350, 5360, 5361, 5362, 5363, 5369, 5370, 5371, 5380, 5400, 5410, 5411, 5420, 5421, 5422, 5423, 5430, 5431, 5432, 5433, 5434, 5435, 5440, 5450, 5460, 5461, 5470, 5480, 5490, 5491, 5492, 5493, 5494, 5500, 5510, 5520, 5530, 5531, 5532, 5533, 5534, 5540, 5550, 5560, 5570, 5571, 5572, 5573, 5580, 5590  
 06/24/11 ADOPT: 10030, 10031, 10032, 10033, 10034, 10035, 10036  
 06/21/11 AMEND: 1876  
 06/15/11 ADOPT: 340 AMEND: 221, 222, 226, 230, 288, 300 REPEAL: 262  
 05/31/11 AMEND: 8078.2  
 04/18/11 AMEND: 10302, 10315, 10317, 10320, 10322, 10323, 10325, 10326, 10327, 10328

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04/01/11	ADOPT: 5000, 5010, 5020, 5021, 5030, 5031, 5032, 5033, 5034, 5035, 5036, 5037, 5038, 5039, 5050, 5051, 5052, 5053, 5054, 5055, 5056, 5060, 5061, 5062, 5063, 5064, 5080, 5081, 5082, 5100, 5101, 5102, 5103, 5104, 5105, 5106, 5107, 5120, 5130, 5131, 5132, 5140, 5141, 5142, 5143, 5150, 5151, 5152, 5153, 5154, 5155, 5170, 5180, 5181, 5182, 5183, 5190, 5191, 5192, 5193, 5194, 5200, 5210, 5211, 5212, 5220, 5230, 5231, 5232, 5240, 5250, 5260, 5265, 5266, 5267, 5268, 5269, 5270, 5275, 5280, 5281, 5282, 5283, 5290, 5291, 5300, 5310, 5311, 5312, 5313, 5314, 5315, 5320, 5321, 5330, 5340, 5350, 5360, 5370, 5371, 5372, 5380, 5381, 5382, 5383, 5384, 5400, 5410, 5411, 5420, 5421, 5422, 5423, 5430, 5431, 5432, 5433, 5434, 5435, 5440, 5450, 5460, 5461, 5470, 5480, 5490, 5491, 5492, 5493, 5494, 5500, 5510, 5520, 5530, 5531, 5532, 5533, 5534, 5540, 5550, 5560, 5570, 5571, 5572, 5573, 5580, 5590	05/02/11	ADOPT: 19817.2, 19817.5, 19840, 19846.1 AMEND: 19815, 19816, 19816.1, 19817.1, 19846
		05/02/11	ADOPT: 80036.4 AMEND: 80034, 80036, 80036.1, 80036.2, 80036.3, REPEAL: 80036.5
		04/13/11	AMEND: 850, 851, 852, 853, 853.5, 854, 855, 857, 858, 859, 861, 862, 870 (now 862.5), 864, 864.5, 866, 868
		04/12/11	ADOPT: 76020, 76140, 76212, 76240 AMEND: 76000, 76120, 76130, 76200, 76210, 76215 REPEAL: 76010, 76240
		03/28/11	ADOPT: 75010, 75100, 75500 AMEND: 74120, 74130, 74160, 74170
		03/24/11	ADOPT: 30001.5
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		08/16/11	AMEND: 218
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		08/05/11	ADOPT: 1603.1 AMEND: 1504, 1600, 1602, 1603
		08/01/11	AMEND: 16423 REPEAL: 16450, 16451, 16452, 16453, 16454, 16455, 16460, 16461, 16462, 16463, 16464
		07/28/11	ADOPT: 6799.1 AMEND: 6755
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		06/02/11	AMEND: 5154(j)(1)
		05/31/11	AMEND: 5155
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08/15/11	AMEND: 40100.1		
08/15/11	AMEND: 40404		
08/15/11	AMEND: 40405.1		
08/15/11	ADOPT: 40509		
08/15/11	ADOPT: 40513		
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08/15/11	ADOPT: 40515		
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08/04/11	ADOPT: 1039.1		
08/04/11	AMEND: 80047, 80047.1, 80047.2, 80047.3, 80047.4, 80047.5, 80047.6, 80047.7, 80047.8, 80047.9, 80048.6		
06/21/11	AMEND: 58771		
06/20/11	ADOPT: 80048.9, 80048.9.4 AMEND: 80046.1, 80048.5, 80070.1, 80070.2, 80070.3, 80070.4, 80070.5, 80070.6 REPEAL: 80046, 80070.7, 80070.8		



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05/03/11	AMEND: 3657	04/19/11	AMEND: 1005, 1007, 1008
05/02/11	AMEND: 16423 REPEAL: 16450, 16451, 16452, 16453, 16454, 16455, 16460, 16461, 16462, 16463, 16464	04/19/11	AMEND: 1018
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04/18/11	ADOPT: 9792.5.0, 9792.5.1, 9792.5.2, 9792.5.3 AMEND: 9792.5	04/11/11	ADOPT: 999.24, 999.25, 999.26, 999.27, 999.28, 999.29 AMEND: 999.10, 999.11, 999.14, 999.16, 999.17, 999.19, 999.20, 999.21, 999.22
04/18/11	AMEND: 344.30	03/30/11	AMEND: 9070, 9072, 9073, 9077
04/13/11	AMEND: 3380	<b>Title 13</b>	
03/28/11	AMEND: 3668(a)	08/16/11	AMEND: 1800
<b>Title 9</b>		07/06/11	ADOPT: 1231.2 AMEND: 1200, 1201, 1217, 1221, 1222, 1232
08/08/11	ADOPT: 4500, 4510, 4520	07/01/11	AMEND: 156.00, 156.01
<b>Title 10</b>		04/01/11	AMEND: 553.70
08/11/11	AMEND: 2731	<b>Title 13, 17</b>	
08/01/11	AMEND: 3012.3	06/20/11	AMEND: Title 13: 2299.5 and Title 17: 93118.5
07/27/11	AMEND: 2770.1, 2847.3	<b>Title 14</b>	
07/25/11	AMEND: 2222.12	08/08/11	ADOPT: 1052.5 AMEND: 895, 916.9, 936.6, 956.9, 1052, 1052.1, 1052.2
07/13/11	AMEND: 210, 221	08/03/11	ADOPT: 1051.3, 1051.4, 1051.5, 1051.6, 1051.7 AMEND: 895
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07/07/11	AMEND: 260.204.9	07/14/11	AMEND: 791, 791.7, 792, 793, 794, 795, 796 REPEAL: 791.5
06/30/11	AMEND: 2699.6700, 2699.6709, 2699.6721, 2699.6725	07/12/11	ADOPT: 749.6
05/31/11	REPEAL: 2274.74, 2274.77	07/08/11	ADOPT: 708.1, 708.2, 708.3, 708.4, 708.5, 708.6, 708.7, 708.8, 708.9, 708.10, 708.11, 708.12, 708.13, 708.14, 708.15, 708.16, 708.17 AMEND: 360, 361, 362, 363, 364, 365, 366, 353, 354, 478.1, 702, 711 REPEAL: 708
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05/16/11	AMEND: 2498.6	06/16/11	AMEND: 7.00, 7.50
05/04/11	ADOPT: 260.004.1	06/13/11	AMEND: 632
04/25/11	ADOPT: 1409.1, 1414, 1422.4, 1422.4.1, 1422.4.5, 1422.5, 1422.6, 1422.6.1, 1422.6.2, 1422.6.3, 1422.7, 1422.7.1, 1422.9, 1422.10, 1422.11, 1422.12, 1424, 1437, 1950.122, 1950.122.2.1, 1950.122.4, 1950.122.4.1, 1950.122.5, 1950.122.5.1, 1950.122.5.2, 1950.122.5.3, 1950.122.5.4, 1950.122.6, 1950.122.7, 1950.122.8, 1950.122.9, 1950.122.10, 1950.122.11, 1950.122.12, 1950.122.15, 1950.205.1, 1950.209, 1950.307 AMEND: 1404, 1409, 1411, 1430.5, 1431, 1433, 1436, 1454, 1550, 1552, 1557, 1950.003, 1950.122.2, 1950.123, 1950.204.3, 1950.204.4, 1950.301, 1950.314.8, 1950.316, 1950.317	06/09/11	AMEND: 27.20, 27.25, 27.30, 27.32 (renumbered to 27.35), 27.35 (renumbered to 27.40), 27.45, 27.50, 27.65, 28.26, 28.27, 28.28, 28.29, 28.48, 28.49, 28.54, 28.55, 28.56, 28.58, 28.65, 52.10, 150.16 REPEAL: 27.40, 28.51, 28.52, 28.53, 28.57
04/18/11	AMEND: 2188.65, 2695.180	05/19/11	AMEND: 632
04/06/11	AMEND: 2498.4.9	05/12/11	ADOPT: 28301
04/06/11	AMEND: 2498.4.9	05/11/11	AMEND: 27.80
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06/06/11	AMEND: 51.7		
06/01/11	AMEND: Article 20, section 51.2		
05/31/11	AMEND: Article 20, section 51.25		
05/25/11	ADOPT: Article 20, section 51.27		
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05/02/11 AMEND: 925.7, 925.10, 926.9, 926.10,  
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05/02/11 AMEND: 898.2  
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1573.4, 1573.5, 1573.6, 1574, 1575,  
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04/25/11 AMEND: 1670  
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04/01/11 AMEND: 27.80

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08/03/11 AMEND: 3000  
07/28/11 ADOPT: 3084.8, 3084.9, 3086 AMEND:  
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07/07/11 ADOPT: 3076.4, 3076.5 AMEND: 3076,  
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06/27/11 AMEND: 3140  
06/20/11 ADOPT: 8007, 8008 AMEND: 8000  
06/15/11 ADOPT: 3571, 3582, 3590, 3590.1,  
3590.2, 3590.3 AMEND: 3000  
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06/14/11 AMEND: 3000, 3045.3, 3123, 3134,  
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06/02/11 AMEND: 3378  
05/26/11 ADOPT: 1747.1, 1749.1, 1750.1  
AMEND: 1706, 1747, 1748, 1749, 1750,  
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05/26/11 AMEND: 3025, 3291, 3296, 3300, 3301,  
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05/13/11 REPEAL: 1  
05/11/11 AMEND: 3335  
04/29/11 ADOPT: 3359.1, 3359.2, 3359.3, 3359.4,  
3359.5, 3359.6, 3359.7 AMEND: 3000  
04/15/11 ADOPT: 3769, 3769.1, 3769.2, 3769.3,  
3769.4, 3769.5, 3769.6  
03/28/11 AMEND: 3269

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08/03/11 AMEND: 999  
08/01/11 AMEND: 1327  
07/21/11 AMEND: 1005  
07/20/11 ADOPT: 4145 AMEND: 4141  
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07/01/11 AMEND: 2070, 2071  
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1886.40, 1886.50, 1886.60, 1886.70,  
1886.80, 1887, 1887.1, 1887.2, 1887.3,  
1887.4, 1887.5, 1887.6, 1887.7, 1887.8,  
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04/28/11 AMEND: 4150, 4151, 4152.1, 4153,  
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04/26/11 AMEND: 1306  
04/25/11 AMEND: 48.3  
04/25/11 AMEND: 600.1, 601.5, 602, 602.1, 603,  
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04/15/11 ADOPT: 2007, 2010.05 AMEND:  
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04/14/11 AMEND: 70  
04/14/11 ADOPT: 2086, 2086.1, 2086.2, 2086.3,  
2086.4, 2086.5, 2086.6, 2086.7, 2086.8,  
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04/12/11 AMEND: 1328  
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06/16/11 ADOPT: 95600, 95601, 95602, 95603,  
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06/08/11 ADOPT: 30108.1, 30226 AMEND:  
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07/20/11	AMEND: 25106.5-11	05/12/11 AMEND: 1256-9, 1256-10
07/08/11	ADOPT: 2558.1	04/25/11 AMEND: 2708(c)-1
06/22/11	AMEND: 1507	04/21/11 AMEND: 60400, 60401, 60403, 60445, 60455, 64416, 64426, 64432, 64449, 64449.2, 64575, Appendix 64465-E
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06/30/11	AMEND: 1160.10	
06/21/11	AMEND: 200, 201, 202, 204, 208, 209, 212	04/12/11 AMEND: 66264.90, 66264.94, 66264.97, 66264.98, 66264.99, 66264.100, 66265.90, 66265.91, 66265.97, 66265.98, 66265.99
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07/21/11	AMEND: 50035.5, 50145, 50179.5, 50183, 53845 REPEAL: 50245	07/05/11 ADOPT: 597, 597.1, 597.2, 597.3, 597.4
07/19/11	ADOPT: 64430	06/21/11 ADOPT: 3959.4
06/29/11	AMEND: 51008.5	06/08/11 ADOPT: 3929.6
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		07/28/11 AMEND: 63-402.226
		06/02/11 AMEND: 31-002, 31-075, 31-206, 31-320, 31-505, 31-510